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2 UNITED STATES DISTRICT COURT  
3 DISTRICT OF NEVADA

4 Charles Edward Cooper, Jr.,

5 Petitioner

6 v.

7 Brian Williams Sr., et al.,

8 Respondents  
9

Case No.: 2:25-cv-00199-CDS-MDC

**Order Directing Service of the Petition**

10 Charles Edward Cooper, Jr., who is incarcerated in Southern Desert Correctional Center,  
11 has submitted a pro se 28 U.S.C. § 2254 petition for writ of habeas corpus. ECF No. 1-1. He has  
12 now complied with the Court's order to pay the filing fee. *See* ECF No. 4. The Court has  
13 conducted a preliminary review of the petition under Rule 4 of the Rules Governing Section  
14 2254 Cases in the United States District Courts and directs that it be served on respondents.

15 A petition for writ of federal habeas corpus should include all claims for relief of which  
16 petitioner is aware. If petitioner fails to include such a claim in his petition, he may be forever  
17 barred from seeking federal habeas relief upon that claim. *See* 28 U.S.C. §2244(b) (successive  
18 petitions). If petitioner is aware of any claim not included in his petition, he should notify the  
19 Court of that as soon as possible, perhaps by means of a motion to amend his petition to add the  
20 claim.

21 It is therefore ordered that the Clerk of Court detach, file, and electronically SERVE the  
22 petition (ECF No. 1-1) on respondents.

23 The Clerk is directed to **add** Aaron D. Ford, Nevada Attorney General, as counsel for  
24 respondents and provide respondents an electronic copy of all items previously filed in this case  
25 by regenerating the Notice of Electronic Filing to the office of the AG only.  
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1 It is further ordered that respondents file a response to the petition, including potentially  
2 by motion to dismiss, within **90 days** of service of the petition, with any requests for relief by  
3 petitioner by motion otherwise being subject to the normal briefing schedule under the Local  
4 Rules. Any response filed is to comply with the remaining provisions below, which are entered  
5 pursuant to Habeas Rule 5.

6 It is further ordered that any procedural defenses raised by respondents in this case be  
7 raised together in a single consolidated motion to dismiss. In other words, the Court does not  
8 wish to address any procedural defenses raised herein either in seriatum fashion in multiple  
9 successive motions to dismiss or embedded in the answer. Procedural defenses omitted from  
10 such motion to dismiss will be subject to potential waiver. Respondents should not file a  
11 response in this case that consolidates their procedural defenses, if any, with their response on  
12 the merits, except pursuant to 28 U.S.C. § 2254(b)(2) as to any unexhausted claims clearly  
13 lacking merit. If respondents do seek dismissal of unexhausted claims under § 2254(b)(2):  
14 (a) they will do so within the single motion to dismiss not in the answer; and (b) they will  
15 specifically direct their argument to the standard for dismissal under § 2254(b)(2) set forth in  
16 *Cassett v. Stewart*, 406 F.3d 614, 623-24 (9th Cir. 2005). In short, no procedural defenses, including  
17 exhaustion, should be included with the merits in an answer. All procedural defenses, including  
18 exhaustion, instead must be raised by motion to dismiss.

19 It is further ordered that, in any answer filed on the merits, respondents specifically cite  
20 to and address the applicable state court written decision and state court record materials, if  
21 any, regarding each claim within the response as to that claim.

22 It is further ordered that petitioner has **45 days** from service of the answer, motion to  
23 dismiss, or other response to file a reply or opposition, with any other requests for relief by  
24 respondents by motion otherwise being subject to the normal briefing schedule under the Local  
25 Rules.

1 It is further ordered that any additional state court record exhibits filed herein by either  
2 petitioner or respondents be filed with a separate index of exhibits identifying the exhibits by  
3 number. The parties will identify filed CM/ECF attachments by the number of the exhibit in the  
4 attachment. Each exhibit must be filed as a separate attachment.

5 It is further ordered that, at this time, the parties send courtesy copies of **any responsive**  
6 **pleading or motion and all INDICES OF EXHIBITS ONLY** to the Reno Division of this Court.  
7 Courtesy copies should be mailed to the Clerk of Court, 400 S. Virginia St., Reno, NV 89501, and  
8 directed to the attention of "Staff Attorney" on the outside of the mailing address label. No  
9 further courtesy copies are required unless and until requested by the Court.

10 Dated: April 11, 2025

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13 Cristina D. Silva  
14 United States District Judge  
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